

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
AUGUST 17, 1966

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, August 17, 1966 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, HUNNELL
KIRSTEN and WALTON (Mayor)

Absent: Councilmen - None

Also present were City Manager Glaves, City Attorney Mullen and Administrative Assistant Peterson.

MINUTES

Minutes of August 3, 1966, were approved as written and mailed on motion of Councilman Brown, Culbertson second, after changing the next to the last sentence in the paragraph on page 2 entitled "Rezoning SE Corner Lower Sacto Rd & Turner Rd to P-D" to read as follows: "With the understanding that in the conditions, the paragraph on landscaping would be worded to indicate the landscaping plans would be prepared by the developer and reviewed by the city staff before submission to the Planning Commission and that the paragraph covering fencing for the Eastside Residential Area would be amended to require fencing along the south side thereof, it was moved by Councilman Brown, Hunnell second, that the City Council introduce Ordinance No. 823 rezoning property at the southeast corner of Lower Sacramento Road and Turner Road to P-D(1)."

PUBLIC HEARINGS

APPEAL RE
HARMAN'S SIGN
820 W. LODI AVE.

The hearing on the appeal of Harman's Kentucky Fried Chicken Cafe from the decision of the Planning Commission in denying their request for a revolving sign at 820 West Lodi Avenue having been continued from the meeting of August 3, 1966, Mayor Walton asked if there was anyone in the audience who wished to speak on behalf of the appeal. Mr. Phil Augason, co-owner of Harman's, said he had expressed himself at the previous Council meeting and had nothing new to add. There were no others in the audience for or against the appeal. Councilman Hunnell said he had observed the sign rotate and that he did not find it objectionable or distracting while driving. Councilman Brown agreed with Councilman Hunnell, but added that because of the light, a time limit should be put on the sign so as not to bother the residences on the north side of the street. Councilman Kirsten felt no hardship was involved so there was no compelling reason to make an exception. Mayor Walton said he did not find the sign objectionable, but questioned whether the City should start making exceptions. Councilman Culbertson said the ordinance was written to permit rotating signs with a use permit and he moved that the appeal be granted and that a use permit for the rotating sign be issued providing it was turned off at 10:30 p.m. Mr. Glaves said this sign was being treated differently than others since other signs were allowed to be lit all night. Councilman Culbertson said he was concerned about this and moved to amend his motion to provide that only rotation of the sign be

Minutes of August 17, 1966 continued

stopped by 10:30 p.m. The motion to amend was seconded by Councilman Hunnell and carried by the following vote:

AYES: Councilmen - BROWN, CULBERTSON, HUNNELL
and WALTON

NOES: Councilmen - KIRSTEN

The amended motion to grant the appeal provided the rotation of the sign was turned off by 10:30 p.m. each day then passed by the following vote:

AYES: Councilmen - BROWN, CULBERTSON, HUNNELL
and WALTON

NOES: Councilmen - KIRSTEN

APPEAL RE
PIZZA GARDEN
SIGN

W. LODI AVE.
704-B

Notice thereof having been published in accordance with law, Mayor Walton called for public hearing on the appeal of Dean Buttell, 704-B West Lodi Avenue, from the decision of the Planning Commission denying his request for a variance in the maximum sign area in the C-1 zone to permit erection of a sign at the "Pizza Garden," 704-B West Lodi Avenue. There were no communications for or against the appeal. Mr. Ben Schaffer, Realtor, representing Mr. Buttell and the property owners, stated that the buildings in this location were in a "U" shape so that it was a hardship for business on this property to be limited in sign area on the basis of front footage. He stated that every business should have the right to proper identification and that the entrance to the Pizza Garden was 200 feet from the front. Mr. Dean Buttell, stated that several times the present sign, which is attached to the face of the building, has been removed by vandals and he would therefore like to place a sign higher up and extending out from the front of the building. He showed the Council a sketch of his proposed sign, half of which was to advertise RC Cola. Councilman Culbertson suggested that a sign be made which would just advertise the "Pizza Garden" so that it would not need to be so large. Councilman Kirsten said he did not feel that a hardship was being shown. Councilman Brown said Mr. Buttell was entitled to a sign but not as large as he was asking. Councilman Culbertson moved that Mr. Buttell be granted a modified version of his appeal which would allow a sign limited in size to 7.5 square feet on each side and without the RC advertising or any advertising of a product not made on the premises. His motion was seconded by Councilman Brown and carried by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON and HUNNELL

Noes: Councilmen - KIRSTEN and WALTON

ANNEX HOM ADDN.
ORD. NO. 824
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Walton called for public hearing on the proposal to annex 32.2 acres at the intersection of Lodi Avenue and Lower Sacramento Road as the Hom Addition. There were no protests, written or oral. On motion of Councilman Culbertson, Kirsten second, the City Council introduced Ordinance No. 824 annexing the Hom Addition to the City of Lodi.

Minutes of August 17, 1966 continued

PLANNING COMMISSION

The following actions of the Planning Commission at its meeting of August 8, 1966, were reported:

1. Adopted Resolution 66-4 which establishes a policy for structural connections between living units in multiple dwellings.
2. Approved the request of Mr. Thomas Hom, et al, for a use permit to construct Phase I of the proposed Lodi Super Market Shopping Center at the southwest corner of West Lodi Avenue (Sargent Road) and Lower Sacramento Road in an area zoned C-S, Commercial-Shopping District with thirteen (13) conditions.
3. Continued studies on (1) recommendations for the development of junk yards, wrecking yards, etc. and (2) sign requirements in the C-P, Commercial-Professional zone.

COMMUNICATIONS

J. E. MACHEN CLAIM FOR DAMAGES

A claim for damages on behalf of John E. Machen, 710 Eureka Avenue, was filed by Stewart C. Adams, Jr. The claim was in the amount of \$285.40 for property damage. On motion of Councilman Hunnell, Kirsten second, the Council denied the claim of John E. Machen and referred it to the City's Agent of Record, Mr. Max Elson, for action.

FRONTIER SAVINGS AND LOAN RE PARKING LOT STALLS

A letter was read from Frontier Savings and Loan Association requesting that they be permitted to use two parking stalls adjacent to their west side entrance which faces the City parking lot. This area would be converted into a walkway and in exchange for the use of the stalls Frontier Savings and Loan will pay the City at the meter rate or any other mutually agreed rate so that there will be no loss of revenue to the City. They will also share in the costs of landscaping this parking lot. Councilman Kirsten moved that the proposal of Frontier Savings and Loan Association be accepted on a ten-year basis provided mutually agreeable terms could be worked out. His motion was seconded by Councilman Culbertson. City Manager Graves suggested that the City hold a joint meeting with Frontier Savings and Bank of America to discuss landscaping plans. Mr. Lloyd Diede, Secretary of Frontier Savings and Loan, said they would be willing to participate in anything fair. The motion carried by unanimous vote.

ANNEX ST. PETER'S LUTHERAN ADD. RES. NO. 2975 ADOPTED

A petition was received from owners of not less than one-fourth of the land by area and by assessed valuation for annexation of 24.2 acres to be known as St. Peter's Lutheran Addition. The proposed annexation was approved by the Local Agency Formation Commission of San Joaquin County on June 17, 1966. On motion of Councilman Kirsten, Hunnell second, the City Council adopted Resolution No. 2975 declaring the Council's intention to annex the property and setting public hearing thereon for October 5, 1966.

NATIONAL HIGHWAY WEEK

A letter was received from J. G. Meyer, District Engineer, Division of Highways, informing the Council that September 18-24 will be National Highway Week and requesting endorsement thereof.

Minutes of August 17, 1966 continued

AMERICAN LEGION
RE LAWRENCE
PARK

A letter was read from John Schook, Commander, Lodi Post No. 22, The American Legion, thanking the City for the use of Lawrence Park for their annual picnic. City Manager Graves said that the Legion Picnic had left the lawn at the park in horrible shape and he did not know if the lawn could take such a setback every year. City Attorney Mullen suggested that the Legion be notified to contact the City well in advance of the picnic date if they wished to use Lawrence Park next year as it might be necessary for them to consider other sites.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$182,363.85 were approved on motion of Councilman Culbertson, Kirsten second.

1911 IMPROVEMENT
ACT

Mr. Graves gave a resume of his report on use of 1911-1913 Act for Subdivision Improvements, copies of which had been sent to members of the Council. Cities contacted during the investigation had been quite consistent in their views on use of this method of financing that the City should be very cautious about the financial stability of the persons involved and the suitability of the land to be subdivided; that it proved to be an administrative burden on the city; and that its benefit to the public was questionable.

Mr. Willard Beckman, representing Beckman & Company, stated he realized the City had a responsibility in deciding which subdivisions to accept or reject for such financing. According to Mr. Beckman, money is tight and it is difficult to get long-term financing at this time except by bonds. He said development of the city should be encouraged, and the Council should distinguish between what was good and what was not. His company has contracted to buy the bonds for the proposed Sunset South subdivision to be developed by Lodi Development Corporation south of Hutchins-Sunset Park. He felt this subdivision should be given some consideration.

Mr. Robert Blewett, representing the subdividers, speaking on behalf of his clients, said the area under consideration is prime property for development, the subdividers are local people of substance, and that the bond underwriter is also local. In regard to the problem of administration which was raised, Mr. Blewett felt the City would have no difficulties and that a service fee of \$75 would be reasonable.

Mr. John Capell, one of the subdividers, stated that the value of the proposed subdivision to the community should be considered. He said that the cities which opposed this method of financing did so because they considered it an administrative burden, but any problem for Lodi was conjecture. In his opinion, 1911 bonds would never be a burden on the taxpayer, the present proposal was an ideal situation and there was no better time to go to the 1911 Act. He said it would be for the public benefit as there is a shortage of money and building permits have decreased. The cost of their lots will not be more than intended and the developers will absorb part of the increases. He felt that the City Manager's report indicated he was looking for failures.

There was no one else in the audience who wished to speak at this time. City Manager Graves said his report gave an accurate picture of what he had learned

Minutes of August 17, 1966 continued

from the cities contacted. He said he was concerned with City policy. Stockton has had one subdivision under the 1911 Act and is not encouraging more. His feeling was that the City should not act as a lending institution, and was not in a position to say which developer is sound financially. He felt the proper use of this method of financing was for multiple ownerships where improvements were needed and such use should be encouraged. In his opinion, there was no public need to get involved and he did not consider the 1911 Act was the only means of financing for this subdivision. Other cities have advised against it.

Mr. Robert D. Houston of Lodi Development Corporation said that money is not available and that the City should cooperate in getting this subdivision under way. He said it would be for the public benefit as homes have to be built to sustain growth and the taxpayers would not be jeopardized. Mr. Graves asked if this were the only way to finance the project. Mr. Houston said if the 1911 Act were not used, they would have to resort to types of financing that would increase costs.

There were no others in the audience who wished to be heard and Mayor Walton asked members of the Council for their comments. Councilman Brown asked Mr. Blewett what the City would have to do in the event the 1911 Act were used. Mr. Blewett answered that the City conducts the proceedings, adopts resolutions, sees that they are published and notices mailed, and conducts hearings. The attorneys for the subdivider take care of the scheduling and legal forms and the subdivider's engineer draws the plans which are approved by the City and on which the City calls for bids. The City issues the bonds; usually the bonds go five to six years, but can go for fifteen. Bond holders send in coupons twice a year for payment. The City has no liability but has to process the bonds for which a service fee is paid. Councilman Culbertson pointed out that delinquency and foreclosure problems would affect the fee. Councilman Hunnell said it was not easy to determine the financial condition of the subdividers and they probably will not stop development of the proposed subdivision if they cannot get the 1911 bonds. He felt the City should stay out of the 1911 Act proceedings. If the City goes into it and something goes wrong, the City will bear the brunt. Mayor Walton said the decision of the Council would be important as it would be setting a precedent. He stated he had done some research on his own, contacting Pacifica, Novato, Stockton, Rohnert Park and Sebastopol and their experience had been such that they recommended against the 1911 Act. Also, Sacramento had informed him they were using the 1915 Act and would not recommend using the 1911 Act. The Mayor was of the opinion that if this request were allowed, the City would be receiving more requests for financing under the 1911 Act. Councilman Culbertson said he realized burdens on the subdividers have increased, that money was tight at the moment, that there were arguments in favor of both sides; that the kind of property proposed for subdividing was important, and that he would like to wait a few months before making a decision. Councilman Kirsten felt the money problem would be getting worse; Lodi needs steady growth and people will need homes. He said the subdividers making the request have integrity and the City should try financing through the 1911 Act.

Minutes of August 17, 1966 continued

He felt the biggest problem was the administrative burden and he felt that \$100 per lot for servicing plus 1% for inspection should cover the costs to the City. Councilman Hunnell did not feel that the need for lots was critical. On being questioned by Councilman Culbertson, Mr. Blewett said that work could be started on the project 45 days after proceedings were started.

Councilman Kirsten moved that the petition of Lodi Development Corporation for financing the Sunset South Subdivision by forming an assessment district under the 1911 Act be approved subject to a fee of 1% of the assessment plus \$100 per lot. His motion was seconded by Councilman Brown and failed to carry by the following vote:

Ayes: Councilmen - BROWN and KIRSTEN

Noes: Councilmen - CULBERTSON, HUNNELL and WALTON

Councilman Culbertson had prefaced his vote by stating that he would like to consider the request further. Mr. Blewett said he would like to submit additional information. Councilman Culbertson then moved that the petition be considered at the meeting of September 21, 1966. His motion was seconded by Councilman Brown and carried unanimously.

RECESS &
EXECUTIVE
SESSION

It being 11:05 p.m., Mayor Walton declared a five-minute recess. After the recess, the Council went into executive session until 11:27 p.m. at which time the regular meeting reconvened.

H. DANIELS
APPOINTED
TO P.C.

Mayor Walton recommended the appointment of Mr. Herman Daniels to the Planning Commission for a four-year term ending June 30, 1970. The Council concurred in the appointment of Mr. Daniels on motion of Councilman Kirsten, Brown second. Councilman Culbertson suggested that Mr. James McCarty and Mr. Walter Norby, former members of the Commission, be invited to the next Council meeting for presentation of certificates of appreciation.

MAYOR LEAVES

Mayor Walton had to leave for business reasons, and turned the conduct of the meeting over to Vice-Mayor Culbertson.

AWARD -
STORM DRAIN
TOKAY ST.

The following bids had been received for the Storm Drain, Tokay Street, Mills Avenue to Ham Lane:

RES. NO. 2976

	<u>Alt. 1</u>	<u>Alt. 2</u>
Certified Pipe & Constr. Co.	\$47,214.40	
Cecil Sand & Gravel Co.	50,560.00	
Stockton Construction Co.		\$68,459.70

City Manager Graves recommended that the low bid be accepted. On motion of Councilman Kirsten, Brown second, the City Council adopted Resolution No. 2976 awarding the contract to the low bidder, Certified Pipe & Construction Company, for a total of \$47,214.40.

AWARD -
ST. IMPVTS
MILLS AVE.

Mr. Graves next presented the tabulation of bids received on the Street Improvements, Mills Avenue, Capell Drive to Elm Street, as follows:

RES. NO. 2977

Claude C. Wood Company	\$21,736.00
Tompkins and Gallaven	22,484.15

Minutes of August 17, 1966 continued

Mr. Graves recommended that award be made to the low bidder and on motion of Councilman Brown, Hunnell second, the City Council adopted Resolution No. 2977 awarding the contract for the street improvements above mentioned to the low bidder, Claude C. Wood Company, for a total of \$21,736.00.

VOGEL ADDN
WITHDRAWN
FROM MRCFPD
RES. NO. 2978

Annexation of the Vogel Addition having been completed, on motion of Councilman Kirsten, Brown second, the Council adopted Resolution No. 2978 withdrawing the Vogel Addition from the Mokelumne Rural County Fire Protection District.

MELHAFF ADDN
WITHDRAWN
FROM WRCFPD
RES. NO. 2979

Annexation of the Melhaff Addition having been completed the Council adopted Resolution No. 2979 withdrawing the Melhaff Addition from the Woodbridge Rural County Fire Protection District on motion of Councilman Kirsten, Hunnell second.

MILLS EST. ADDN
WITHDRAWN
FROM WRCFPD
RES. NO. 2980

Annexation of the Mills Estate Addition having been completed, the Council adopted Resolution No. 2980 withdrawing the Mills Estate Addition from the Woodbridge Rural County Fire Protection District on motion of Councilman Brown, Kirsten second.

STKN ST. ADDN
WITHDRAWN
FROM WRCFPD
RES. NO. 2981

Annexation of the Stockton Street Addition having been completed, on motion of Councilman Brown, Kirsten second, the City Council adopted Resolution No. 2981 withdrawing the Stockton Street Addition from the Woodbridge Rural County Fire Protection District.

1966-67 CAPITAL
OUTLAY BUDGET

ORD. NO. 825
INTRODUCED

Mr. Graves then presented the 1966-67 Capital Outlay Budget, copies of which had been sent to the Council. He stated that the Public Utilities Commission had requested the installation of the gates at the Southern Pacific crossing on Lodi Avenue. The City has to share the cost with the railroad company. On being questioned, Mr. Graves said the tree at the corner of Lodi Avenue and Ham Lane could be removed after the right of way had been acquired. Acquisition of right of way for Lodi Avenue west of Ham is in the Capital Outlay budget. On motion of Councilman Kirsten, Brown second, the City Council introduced Ordinance No. 825 adopting the Capital Outlay Budget as presented.

1966-67 TAX RATE
RES. NO. 2982

The Council then established the following tax rate for the 1966-67 fiscal year by adoption of Resolution No. 2982 on motion of Councilman Kirsten, Brown second:

For the General Fund	\$.98
For the Pension Fund	.20
For the Storm Drain Fund	.20
For the Library Fund	.20
A Total Tax Rate of	<u>\$1.58</u>

JOB SPECS FOR
CIVIL ENG. III &
WATER & SEWER
SUPERVISOR
ADOPTED
RES. NO. 2983

Mr. Graves presented job specifications for Civil Engineer III and Water and Sewer Supervisor. Establishment of these classifications had been approved during consideration of the 1966-67 Operating Budget. On motion of Councilman Kirsten, Brown second, the City Council adopted Resolution No. 2983 adopting the job specifications for Civil Engineer III and Water and Sewer Supervisor and establishing a salary range of 73-A for Civil Engineer III and a range of 67-A for Water and Sewer Supervisor.

Minutes of August 17, 1966 continued

F & M BANK
PARKING LOT

Mr. Graves presented plans for the Farmers and Merchants Bank parking lot at the northeast corner of Pine and Church Streets. The plans did not provide for planting of trees. Mr. Graves said it appeared the City would not be able to save the elms on Church Street. The Council asked that the plans be returned to the Bank for further review.

ACREAGE
W OF STADIUM

The City Manager said he had been contacted by Mr. T. J. Hallinan in regard to Mrs. Hallinan's property west of the Stadium. The property consists of eight acres and the Hallinan's would like to sell it to the City. Mr. Graves said Parks Supervisor Orest Merry had designed two softball parks for this parcel and he suggested that if the City purchased the land it be used for softball parks and that the present softball park be turned into a parking lot. If the Council is interested in its purchase, the City could make application for an open space grant. Since Stockton Box Company is interested in buying this property, the City may not have a second chance. After discussion, it was moved by Councilman Kirsten that the City Manager advise Mr. Hallinan that the City was interested in buying the 8-acre parcel west of the Stadium. His motion was seconded by Councilman Brown and carried unanimously.

REMOVAL OF
HOUSE AT 316
W. ELM

City Manager Graves recommended that sealed bids be called for on removal of the Atkinson house at 316 West Elm Street. On motion of Councilman Brown, Kirsten second, the City Council authorized advertising for sealed bids for removal of the house at 316 West Elm Street.

BRICKS FOR
PUBLIC SAFETY
BUILDING

Mr. Graves informed the Council that the bricks for the Public Safety Building had been rejected as the manufacturer had not delivered the type of bricks requested. He said there would be a 12-week delay on the brick work but that the contractor would be able to continue with other work.

ORDINANCES

REZONING SE COR
LOWER SACTO RD
& TURNER RD
TO P-D(1)

ORD. NO. 823
ADOPTED

ORDINANCE NO. 823, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY AT THE SOUTHEAST CORNER OF LOWER SACRAMENTO ROAD AND TURNER ROAD TO BE IN THE P-D(1) PLANNED DEVELOPMENT DISTRICT" having been introduced at the regular meeting of August 3, 1966, was brought up for passage on motion of Councilman Kirsten, Hunnell second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL
and KIRSTEN

Noes: Councilmen - None

Absent: Mayor Walton

KETTLEMAN -
FAIRMONT
INTERSECTION

Councilman Hunnell said he has had complaints that there are no lights at the intersection of Kettleman Lane and Fairmont Avenue and that people intending to go to the hospital do not see the sign until it is too late to turn.

ADJOURNMENT

There being no further business, at 12:30 a.m. the Council adjourned.

Attest: *Beatrice Carikaldi*
Beatrice Carikaldi